

Entered -01-28-00 - sb  
CL 00L0039 - GWENDOLYN BURNS

CLAIM OF: JAMES N. DAVIS  
3206 Post Woods Drive, Apt. A  
Atlanta, Georgia 30339

For vehicular damages alleged to have been sustained from a  
construction cut that was left open and in an unsafe condition on  
January 2, 2000 at Habersham Road at Valley Road.

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

ADVERSE REPORT

CONSENT AGENDA

*Public Safety*

ADVERSED BY  
CITY COUNCIL NOV 06 2000

*10/31/00*

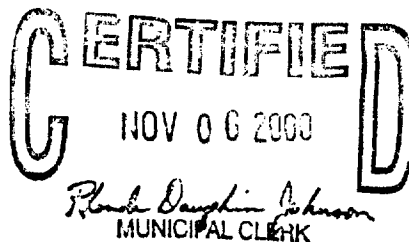
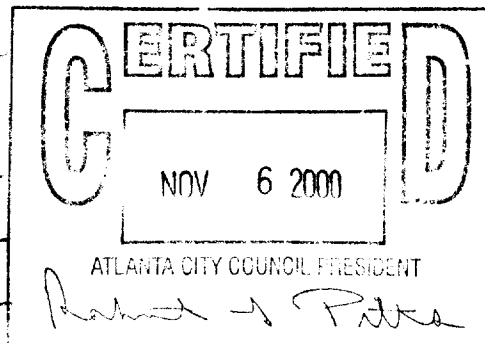
*Cleta Starnes*

*Dan Smith*

*Michael Smith*

*James*

*Henry Fore*





## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

November 15, 2000

James N. Davis  
3206 Post Woods Drive  
Apartment A  
Atlanta, GA 30339

**00-R-1749**

Dear Mr. Davis:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on November 6, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0039

Date: October 18, 2000

Claimant /Victim JAMES N. DAVIS  
BY: (Atty) (Ins. Co.)  
Address: 3206 Post Woods Drive, Apt. A, Atlanta, Georgia 30339  
Subrogation: Claim for Property damage \$ 350.00 Bodily Injury \$  
Date of Notice: 1/14/00 Method: Written, Proper X Improper  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 1/2/00 Place: Habersham Road at Valley Road  
Department Division  
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that his vehicle sustained damage when he drove over a construction cut in the roadway that was not properly covered and left in an unsafe condition. An investigation determined that United Water Services Atlanta performed work at the incident location. The claimant's claim has been forwarded and is currently being resolved by United Water Services Atlanta.

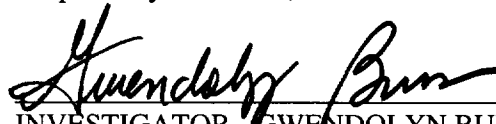
INVESTIGATION:

Statements: City employee Claimant Others Written Oral  
Pictures Diagrams Reports: Police Dept Report Other X  
Traffic citations issued: City Driver Claimant Driver  
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial  
Improper Notice More than Six Months Other X Damages reasonable  
City not involved X Offer rejected Compromise settlement  
Repair/replacement by Ins. Co. Repair/replacement by City Forces  
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01  
Claims Manager:  Concur/date 10-20-00  
Committee Action: Council Action

BURNS  
01/27/00

**COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK**

City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

**RE: CLAIM FOR DAMAGES**

Today's Date: \_\_\_\_\_

ENTERED - 1-28-00 - SB  
00L0039 - GWEN BURNS

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 350.00 property and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

1. Date of incident: JAN. 2, 2000 2. Time of Incident: 2:30pm 3. Police called: \_\_\_\_\_  
(month/day/ year) Yes No ☒
4. Location of incident (including street address): HABERSHAM Rd AT VALLEY Rd
5. Name of your insurance company: STATE FARM Policy No. 1329647A67 11F
6. State what and how incident occurred: SEE ATTACHED LETTER AND PHOTOS

7. **ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!**

8. **The registered owner must make the claim for vehicle damages**, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: BMW 1985 44BP7 254-76-2005  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: \_\_\_\_\_  
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. **This claim should be mailed immediately to the address shown above.**

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE  
INFORMATION IS TRUE AND CORRECT.

Signature of Claimant

00-R-1749

(912) 634-5227

JAMES W. DAVIS

(Print Claimant's Name)

3206 POST WOODS DR. APT. A.

(Address)

ATLANTA, GA 30339

(City, State and Zip Code)

770/953-8305

(Work Number)

(Home Number)

RCS# 2356  
11/06/00  
2:45 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-17

ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 1

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

Y McCarty  
B Starnes  
Y Bond  
Y Winslow

Y Dorsey  
Y Woolard  
Y Morris  
Y Muller

Y Moore  
Y Martin  
Y Maddox  
Y Boazman

Y Thomas  
Y Emmons  
Y Alexander  
NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
00-R-1422  
00-R-1666

CONSENT

		11/06/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1577 2. 00-O-1586 3. 00-O-1615 4. 00-O-1661 5. 00-O-1663 6. 00-O-1670 7. 00-R-1578 8. 00-R-1685 9. 00-R-1780 10. 00-R-1659 11. 00-R-1688 12. 00-R-1689 13. 00-R-1704 14. 00-R-1722 15. 00-R-1723 16. 00-R-1708 17. 00-R-1774 18. 00-R-1709 19. 00-R-1710 20. 00-R-1711 21. 00-R-1712 22. 00-R-1713 23. 00-R-1714 24. 00-R-1715 25. 00-R-1717 26. 00-R-1718 27. 00-R-1719 28. 00-R-1720 29. 00-R-1721	30. 00-R-1716 31. 00-R-1724 32. 00-R-1725 33. 00-R-1727 34. 00-R-1728 35. 00-R-1729 36. 00-R-1730 37. 00-R-1731 38. 00-R-1732 39. 00-R-1733 40. 00-R-1734 41. 00-R-1735 42. 00-R-1736 43. 00-R-1737 44. 00-R-1738 45. 00-R-1739 46. 00-R-1740 47. 00-R-1741 48. 00-R-1742 49. 00-R-1743 50. 00-R-1744 51. 00-R-1745 52. 00-R-1746 53. 00-R-1747 54. 00-R-1748 55. 00-R-1749 56. 00-R-1750 57. 00-R-1751 58. 00-R-1752	59. 00-R-1753 60. 00-R-1754 61. 00-R-1755 62. 00-R-1756 63. 00-R-1757 64. 00-R-1758 65. 00-R-1759 66. 00-R-1760 67. 00-R-1761 68. 00-R-1762 69. 00-R-1763 70. 00-R-1764 71. 00-R-1765 72. 00-R-1766 73. 00-R-1767 74. 00-R-1768 75. 00-R-1769 76. 00-R-1770 77. 00-R-1771 78. 00-R-1772 79. 00-R-1773